THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2914 of 2007

Date: 19.02.2007

Between:

M/s.Lung Fung Bar & Restaurant.

....Petitioner

and

The A.P. Housing Board & another.

....Respondents

O R D E R:

The petitioner was granted lease in respect of the premises belonging to the A.P. Housing Board way back in the year 1989. Initially, a Bar & Restaurant was established. The lease was also renewed up to the year 1994. For one reason or the other, the Bar could not be continued and it is stated that a Computer Accounts Institute is being run in the premises. The second respondent issued a show-cause notice, dated 10.05.2006, requiring the petitioner to vacate the premises alleging that the lease expired and that there are arrears of rent. The petitioner submitted an explanation. Not being satisfied with the same, the second respondent ordered eviction of the petitioner, through its order, dated 14.07.2006. Aggrieved thereby, the petitioner filed C.M.A.No.234 of 2006 before the III Additional Chief Judge, City Civil Court, Hyderabad. The appeal was dismissed on 30.11.2006. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

It is not in dispute that the lease in favour of the petitioner was not renewed beyond 1994. More than 12 years have elapsed. Further, the purpose for which the lease was granted does not subsist. It is not known as to whether the petitioner had taken the permission of the respondents for putting the same to a different use. Be that as it may, once the lease in favour of the petitioner had expired, it does not have any right to insist on

renewal nor can it refuse to vacate the premises. It is stated that the petitioner needs breathing time to secure alternative premises to carry on the present activity. So far as the arrears are concerned, the show cause notice itself has indicated the amount and the petitioner also did not seriously dispute about it.

Having regard to the facts and circumstances of the case, the writ petition is dismissed. The petitioner is granted time till the end of April, 2007 for vacating the premises on payment of rents at the rate of Rs.10,440/-. The petitioner shall be liable to pay the arrears pointed out in the show cause notice as well as any subsequent amount that remained unpaid thereafter in three instalments of 15 days each commencing from March, 2007. There shall be no order as to costs.

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19.02.2007

kdl